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Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Dispute Tribunal; appointment of the judges of the United Nations Appeals Tribunal

Report of the Internal Justice Council

Addendum

I. Introduction

1. The present report is an addendum to the first report of the Internal Justice Council (A/63/489). By its resolution 63/253, the General Assembly decided that three ad litem judges shall be appointed to the United Nations Dispute Tribunal for a period of only one year with effect from 1 July 2009.

2. On 2 March 2009, the General Assembly appointed three full-time judges and two part-time judges to the United Nations Dispute Tribunal, as well as seven judges to the United Nations Appeals Tribunal.

3. In the present report, the Council presents the names of three recommended candidates for appointment as ad litem judges. All the recommended candidates were examined and interviewed by the Council in September 2008 and recommended for appointment as permanent judges of the United Nations Dispute Tribunal, as described in the report of the Council (A/63/489). During interviews with the candidates, the Council discussed the proposal for the appointment of ad litem judges made by the Secretary-General in his report (A/62/782), which was under consideration by the General Assembly.

II. Background

4. Following the adoption by the General Assembly of resolution 63/253, the Council considered the question of identifying suitable candidates to recommend for appointment as ad litem judges. It agreed that all the candidates recommended for appointment to the United Nations Dispute Tribunal and some of the candidates

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recommended for appointment to the United Nations Appeals Tribunal would be suitable for appointment as ad litem judges.

5. The Council then approached the candidates it considered suitable for appointment as ad litem judges to ascertain whether they would be willing to serve as ad litem judges. Of the 10 candidates who were identified by the Council as suitable and who had confirmed their willingness in serving as ad litem judges, 5 candidates were appointed by the General Assembly on 2 March 2009 to serve either on the United Nations Dispute Tribunal or the United Nations Appeals Tribunal.

6. In reviewing the five remaining candidates, the Council was mindful of its mandate, which includes, inter alia, the decision by the General Assembly in paragraph 37 (b) of its resolution 62/228 that the Council shall give due regard to geographical distribution in making its recommendations. To avoid recommending more than one candidate from the same Member State, the Council has decided to recommend three candidates for appointment as ad litem judges. The Council notes that none of the recommended candidates are from a Member State whose national has already been appointed to the United Nations Dispute Tribunal.

7. The Council also took into account the General Assembly's decision, in paragraph 37 (b) of its resolution 62/228, that the Council "[p]rovide its views and recommendations to the General Assembly on two or three candidates for each vacancy in the United Nations Dispute Tribunal". The Council considers that given the exigent circumstances and the need for the General Assembly to appoint the ad litem judges before 1 July 2009, it would not be desirable to delay the process by advertising to identify additional suitable candidates for the ad litem positions. Accordingly, the Council based its recommendations for ad litem judges on the candidates already identified in its report (A/63/489). Should the General Assembly require additional candidates to be identified, the Council will take the necessary steps to do so.

III. Profiles of recommended candidates

8. The three candidates recommended by the Council for appointment as ad litem judges are listed alphabetically by last name. The curriculum vitae of each candidate is set out in the annex to the present report.

Michael Adams (Australia), born in 1946

9. Justice Adams is currently a judge of the Supreme Court of New South Wales, where he has served since 1998. In that court, he has had considerable experience dealing with administrative review matters. This has included cases involving employment. He has also served as a judge of the Court of Appeal of the Solomon Islands since 2005. While a judge, he further served as part-time chairperson of the Law Reform Commission of New South Wales for 10 years. He received his law degree from the University of Sydney in 1968. His first language is English.

Jean-François Cousin (France), born in 1944

10. Mr. Cousin is currently a presiding judge in the Administrative Appeals Court of Marseille. Prior to this, he held office as a presiding judge in the Administrative

Tribunal of Marseille (2004-2007 and 1998-2002) as well as serving as a judge in various administrative tribunals. He also served as an adviser to the Supreme Administrative Court of Thailand (2002-2003); and as an administrative judge in Papeete, French Polynesia (1991-1992). He obtained a Master's degree in private law from the Faculty of Law of Paris in 1967. His first language is French and he has a good working knowledge of English.

Nkemdilim Amelia Izuako (Nigeria), born in 1953

11. Judge Izuako is currently a high court judge in the Solomon Islands (since May 2008). Previously, she held office as a high court judge in Anambra State in Nigeria (1998-2003), as a high court judge in the Gambia (2004-2006) and as an acting judge on the Gambia Court of Appeal (2004-2006). In both Nigeria and the Gambia, as a judge of a court of general jurisdiction, she had experience in handling labour and administrative law matters. She holds law degrees from the University of Ife, Nigeria (1976 and 1981). Her first language is Igbo and she is fluent in English.

IV. Conclusion

12. The Council notes that the General Assembly has not indicated whether judges appointed on an ad litem basis may be eligible for reappointment for a non-renewable term of seven years on the United Nations Dispute Tribunal. The General Assembly may wish to provide further guidance on this matter.

13. The Council would like to thank the United Nations Secretariat for the outstanding support that it has provided to the Council.

Signed by the members of the Internal Justice Council and submitted to the Secretary-General on 11 March 2009 for transmission to the General Assembly.

(*Signed*) Kate **O'Regan**

(*Signed*) Sinha **Basnayake**

(*Signed*) Jenny **Clift**

(*Signed*) Geoffrey **Robertson**

(*Signed*) Maria **Vicien-Milburn**

Annex

Curricula vitae

Michael Adams (Australia)

Date of birth: 21 December 1946

Present position: Judge, Supreme Court of New South Wales, Australia

Education

1969	Admitted to practice in New South Wales
1968	Bachelor's degree in law, University of Sydney, Australia

Professional experience

1998 to date	Judge, Supreme Court of New South Wales. First instance trial judge in criminal and civil cases. Also sitting on a bench in the Court of Criminal Appeal and occasionally as an acting judge of appeal in the Court of Appeal (civil cases only). Civil jurisdiction includes a wide range of administrative review cases involving government, government officials and judicial and quasi-judicial tribunals as well as claims for damages for work-related injuries
2005 to date	Judge, Court of Appeal of the Solomon Islands. Handling a full range of appeals from the High Court of the Solomon Islands, including constitutional cases and administrative reviews of quasi-judicial tribunals in forestry and land claim matters
1996-2006	Chairperson (part-time, while serving as a judge), Law Reform Commission of New South Wales. Active involvement in policy development covering such matters as sentencing, treatment of intellectually disabled persons and the criminal law, the right to silence, partial defences to murder, surveillance, contempt by publication and anti-discrimination law
1998-2006	Director, New South Wales College of Law
1987-1998	Queens' Counsel. Appeared for both the Government and private persons in a full range of cases at first instance and in appeals up to the High Court of Australia. A major component of practice was as an advocate in criminal jury trials, both as prosecutor and defence counsel. Also undertook a wide range of civil cases, including administrative cases involving judicial review of the administrative actions of government officials
1980-1987	Barrister, private practice, appearing for both the Government and private persons in a full range of cases, including criminal (prosecuting and defending) and civil cases. Practice included civil cases involving judicial review of actions of government officials
1977-1979	Public Defender, New South Wales. Defending persons charged with criminal offences

1975-1977	Principal Legal Officer, Australian Legal Aid Office
1974	Director, Legal Training Institute, Papua New Guinea
1970-1973	Legal Officer, Public Solicitor's Office of Papua New Guinea. Criminal trials and appeals in land cases involving customary title
1969	Assistant Editor, CCH tax publications. Australian Tax Cases and other taxation publications
1963-1968	Articled Clerk (legal apprenticeship), private practice, Sydney

Languages

English (first language)

Jean-François Cousin (France)

Date of birth: 28 May 1944

Present position: Presiding Judge, Administrative Appeals Court of Marseille

Education

1968	Paris Institute of Political Studies
1967	Master's degree in private law, Faculty of Law of Paris

Professional experience

Since 2008	Presiding judge of a chamber of the Administrative Appeals Court of Marseille, specialist in urban law
2004-2007	Presiding judge of a chamber of the Administrative Tribunal of Marseille, specialist in civil service disputes. Chairman of regional civil service disciplinary committee
2002-2003	Consultant to the President of the Administrative Supreme Court of Thailand, responsible for training new Thai judges
1998-2002	Presiding judge of a chamber of the Administrative Tribunal of Marseille, specialist in public market cases
1996-1998	Deputy Governor (Sous Préfet), Saint-Laurent du Maroni, French Guyana
1995	Judge, Administrative Tribunal of Marseille
1993-1995	Deputy Governor (Sous Préfet), Segré, Maine et Loire
1991-1992	Judge, Administrative Court of Papeete, French Polynesia
1988-1990	Judge, Administrative Court of La Réunion (Indian Ocean)
1983-1987	Administrative judge in Nice and Marseille
1968-1983	Supply Officer in the French Navy (two years of which in Madagascar)

Languages

French (first language) and English (read, write, speak and understand easily)

Nkemdilim Amelia Izuako (Nigeria)

Date of birth: 18 May 1953

Present position: Puisne Judge, High Court of the Solomon Islands

Education

1981	LLM, University of Ife, Nigeria
1977	BL, Nigeria Law School
1977	Enrolled as Barrister and Solicitor of the Supreme Court of Nigeria
1976	LLB (Hons), University of Ife, Nigeria
1996-2005	Various certificates and courses, including on corruption and fraud prevention (British Council, and Kroll Associates, London, 2002), public international law (The Hague Academy, 2005), conflict resolution (Office of Transition Initiatives, United States Agency for International Development (USAID), 1999), alternative dispute resolution (Supreme Court of the Gambia, 2005), and the International Criminal Court (Human Rights Centre, University of Galway, Ireland, 2001)

Professional experience

Since 2008	Puisne Judge, High Court of the Solomon Islands
2007	Consultant and Trainer, United Nations Office on Drugs and Crime, Nigeria Office, on judicial ethics for High Court judges and other judicial officers, police prosecutors and investigators
2006	Consultant, United Nations Development Programme (UNDP), Nigeria, on evaluation of UNDP governance projects
2004-2006	Acting Judge, Gambia Court of Appeal
2004-2006	Judge, High Court of the Gambia
2004-2005	Lecturer, Diploma Law programme, Gambia Technical Institute
2003-2004	Fellowship, Centre for the study of human rights, London School of Economics
1998-2003	Judge of the High Court of Anambra state, Nigeria
1999-2003	Senior Lecturer, Faculty of Law, Nnamdi Azikiwe University, Awka, Nigeria
1999-2002	Training and advocacy for judicial officers, police officers, legislators and policymakers on gender and human rights in Anambra state, Nigeria
1996-1998	Programme Officer/Field Officer, Democracy and Governance Program, USAID, Nigeria
1995-1996	Executive Secretary, Judicial Service Commission Anambra state

1993-1998	Established and supervised the Legal Aid Clinics of the International Federation of Women Lawyers in Anambra state (1993-1996) and Abia state (1997-1998)
1987-1995	Chief Magistrate, Anambra state
1982-1987	Senior Magistrate, Anambra state
1980-1982	Private legal practice, Chambers of A. N. Anyamene (Senior Advocate of Nigeria)
1977-1979	State Counsel, Department of Public Prosecutions, Ministry of Justice, Enugu, Nigeria

Other activities

- Various publications and presentations in Nigeria and abroad on gender and human rights, corruption and human rights, freedom of association, domestic violence, HIV/AIDS and human rights
- Member, International Bar Association
- Member, Nigeria Bar Association
- Chairperson, International Federation of Women Lawyers, Enugu and Anambra states, Nigeria (1993-1996)
- Board member, Gender and Development Action, Nigeria
- Board member, Centre for the Right to Health, Nigeria
- Board member, National Network for Persons Living with HIV/AIDS
- Member, Women in Law and Development in Africa
- Board member, Shelter Rights Initiative

Languages

English (fluent), Igbo (first language)